

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ROBERT GALLEGOS,
Plaintiff,
v.
R. FERNANDEZ, et al.,
Defendants.

No. 2:24-cv-2526 DJC CKD P

ORDER

Plaintiff, a state prisoner, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 22, 2025, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and

1 recommendations to be supported by the record and by the magistrate judge's
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The October 22, 2025, findings and recommendations are adopted in full;
5 2. Defendants' motion to dismiss (ECF No. 34) is denied;
6 3. Defendants are granted 14 days within which to file an answer; and
7 4. This matter is referred back to the assigned Magistrate Judge.

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9 IT IS SO ORDERED.

10 Dated: **December 5, 2025**


11 Hon. Daniel J. Calabretta
12 UNITED STATES DISTRICT JUDGE
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